

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GENE ALLEN.

| Case No. 3:19-cv-00376-MMD-WGC

Plaintiff,

ORDER

v.

AARON FORD, *et al.*,

Defendants.

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint and has filed incomplete applications to proceed *in forma pauperis*. (ECF No. 1, 1-1, 16).

Plaintiff's applications to proceed *in forma pauperis* are incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a complete application to proceed *in forma pauperis* with both a properly executed financial certificate or an inmate account statement. (See ECF No. 1, 16). Therefore, the *in forma pauperis* applications are denied without prejudice. The Court will retain Plaintiff's complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his

1 applications to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for
2 this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he
3 must file a fully complete application to proceed *in forma pauperis* including both an
4 inmate account statement for the past six months and a properly executed financial
5 certificate.

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that Plaintiff's applications to proceed
8 *in forma pauperis* (ECF No. 1, 16) are DENIED without prejudice to file a new application.

9 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
10 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
13 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
14 the correct form with both an inmate account statement for the past six months and a
15 properly executed financial certificate, in compliance with 28 U.S.C. § 1915(a); or (2) pay
16 the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
17 administrative fee).

18 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
19 dismissal of this action may result.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
21 (ECF No. 1-1), but shall not file it at this time.

22 DATED: December 4, 2019.

23 
24 UNITED STATES MAGISTRATE JUDGE